

1 EDMUND G. BROWN JR., Attorney General
of the State of California

2 PAUL C. AMENT

Supervising Deputy Attorney General

3 E. A. JONES, III, State Bar No. 71375

Deputy Attorney General

4 ELAINE GYURKO

Senior Legal Analyst

5 California Department of Justice

300 South Spring Street, Suite 1702

6 Los Angeles, California 90013

Telephone: (213) 897-4944

7 Facsimile: (213) 897-9395

8 Attorneys for Complainant

9
10 **BEFORE THE**
11 **RESPIRATORY CARE BOARD**
12 **DEPARTMENT OF CONSUMER AFFAIRS**
13 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. R-2058

14 SHANNON V. GLOVER

38620 Puerta Avenue

15 Palmdale, California 93550

**DEFAULT DECISION
AND ORDER**

[Government Code § 11520]

16 Respiratory Care Practitioner License No. 23372

17 Respondent.

18
19 **FINDINGS OF FACT**

20 1. On or about March 2, 2007, Complainant Stephanie Nunez, in her official
21 capacity as Executive Officer of the Respiratory Care Board of California, Department of
22 Consumer Affairs, State of California, filed Accusation No. R-2058 against Shannon V. Glover
23 (Respondent) before the Respiratory Care Board (Board).

24 2. On or about December 11, 2003, the Board issued Respiratory Care
25 Practitioner License Number 23372 to Respondent. This license will expire on August 31, 2008,
26 unless renewed.

27 3. On or about March 2, 2007, Jennifer Porcalla, an employee of the
28 Complainant Agency, served by Certified and First Class Mail a copy of the Accusation No.

1 R-2058, Statement to Respondent, Notice of Defense, Request for Discovery, and Government
2 Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board
3 at 38620 Puerta Avenue, Palmdale, California 93550. A copy of the Accusation, the associated
4 supplemental documents, and Declaration of Service are attached as Exhibit A, and incorporated
5 as if fully set forth herein.

6 4. The above-described service of the Accusation was effective as a matter of
7 law pursuant to the provisions of Government Code section 11505, subdivision (c).

8 5. On or about March 7, 2006, the Domestic Return Receipt was signed
9 acknowledging receipt of the Accusation and related documents. A copy of the Domestic Return
10 Receipt is attached as Exhibit B, and incorporated herein by reference.

11 6. Government Code section 11506 states, in pertinent part:

12 "(a) Within 15 days after service of the accusation the respondent may file with
13 the agency a notice of defense. . . .

14 " . . .

15 "(c) The respondent shall be entitled to a hearing on the merits if the respondent
16 files a notice of defense, and the notice shall be deemed a specific denial of all parts of the
17 accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of
18 respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing."

19 7. Respondent failed to file a Notice of Defense within 15 days after service
20 upon him of the Accusation, and therefore waived his right to a hearing on the merits of
21 Accusation No. R-2058.

22 8. California Government Code section 11520 states, in pertinent part:

23 "(a) If the respondent either fails to file a notice of defense or to appear at the
24 hearing, the agency may take action based upon the respondent's express admissions or upon
25 other evidence and affidavits may be used as evidence without any notice to respondent."

26 9. Pursuant to its authority under Government Code section 11520, the Board
27 finds Respondent is in default. The Board will take action without further hearing, and based on
28 Respondent's express admissions by way of default and the evidence before it, contained in

1 Exhibit A, finds that the allegations, and each of them, in Accusation No. R-2058 are true.

2 10. The Board further finds that pursuant to Business and Professions Code
3 section 3753.5, the costs of investigation and enforcement of the case prayed for in the
4 Accusation total \$988.00 based on the Certification of Costs contained in Exhibit C.

5 DETERMINATION OF ISSUES

6 1. Based on the foregoing findings of fact, Respondent Shannon V. Glover
7 has subjected his Respiratory Care Practitioner License No. 23372 to discipline.

8 2. Service of the Accusation and the related documents was proper and in
9 accordance with the law.

10 3. The agency has jurisdiction to adjudicate this case by default.

11 4. The Board is authorized to revoke Respondent's Respiratory Care
12 Practitioner License based upon violations of Business and Professions Code sections 3750,
13 subdivision (d), 3752, 3752.5 and 490, conviction of a crime substantially related to the
14 qualifications, functions or duties of a respiratory care practitioner as alleged in the Accusation.

15 5. Respondent is hereby ordered to pay the above costs of investigation and
16 enforcement of this action.

17 ORDER

18 1. Respiratory Care Practitioner License No. 23372, heretofore issued to
19 Respondent Shannon V. Glover, is hereby revoked.

20 2. If Respondent ever files an application for relicensure or reinstatement in
21 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must
22 comply with all the laws, regulations and procedures for reinstatement of a revoked license in
23 effect at the time the petition is filed.

24 3. Respondent is ordered to reimburse the Board the amount of \$988.00 for
25 its investigative and enforcement costs. The filing of bankruptcy by Respondent shall not relieve
26 Respondent of his responsibility to reimburse the Board for its costs. Respondent's Respiratory
27 Care Practitioner License may not be renewed or reinstated unless all costs ordered under
28 Business and Professions Code section 3753.5 have been paid.

1 4. Pursuant to Government Code section 11520, subdivision (c), Respondent
2 may serve a written motion requesting that the Decision be vacated and stating the grounds relied
3 on within seven (7) days after service of the Decision on Respondent. The agency in its
4 discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in
5 the statute.

6 This Decision shall become effective on July 5, 2007.

7 It is so ORDERED June 5, 2007.

8
9
10 Original signed by:
11 LARRY L. RENNER, BS, RRT, RCP, RPFT
12 PRESIDENT, RESPIRATORY CARE BOARD
13 DEPARTMENT OF CONSUMER AFFAIRS
14 STATE OF CALIFORNIA
15
16
17
18
19
20
21
22
23
24
25
26
27
28